

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 7

DATE: April 18, 2006

STAFF: Don Vagge

SUBJECT

Second Reading of Ordinance No. 055, 2006, Appropriating Prior Year Reserves in the General Fund for Police Asset Forfeiture Activity.

RECOMMENDATION

Staff and the Forfeiture Committee recommend adoption of the Ordinance on Second Reading.

EXECUTIVE SUMMARY

This Ordinance, which was unanimously adopted on First Reading on April 4, 2006, appropriates funds obtained through civil asset seizure and forfeiture actions to be used by Police Services to purchase new equipment, fund additional training, and contribute to partnerships with community groups that seek to promote positive youth activities, anti-violence, anti-drug, and diversity activities.

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 14

DATE: April 4, 2006

STAFF: Don Vagge

SUBJECT

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First Reading of Ordinance No. 055, 2006, Appropriating Prior Year Reserves in the General Fund for Police Asset Forfeiture Activity.

RECOMMENDATION

Staff and the Forfeiture Committee recommend adoption of the Ordinance on First Reading.

FINANCIAL IMPACT

This Ordinance appropriates \$21,069 into the Fort Collins Police Services ("Police Services") budget. This amount represents money awarded by the courts pursuant to civil asset seizure and forfeiture actions in 2005 and previous years as well as pro-rata distributions from the Larimer County Drug Task Force and federal government seizure actions. These funds are held in a General Fund restricted reserve account awaiting appropriation.

EXECUTIVE SUMMARY

The funds obtained through civil asset seizure and forfeiture actions will be used by Police Services to purchase new equipment, fund additional training, and contribute to partnerships with community groups that seek to promote positive youth activities, anti-violence, anti-drug, and diversity activities.

BACKGROUND

Nearly 100 years ago, the Colorado Legislature passed legislation allowing for the seizure of illegal contraband used in or gained from criminal activity. The intent is to deter crime and to recover proceeds gained through criminal conduct and apply those assets to defraying the costs of law enforcement.

Asset seizure and forfeiture actions are civil cases in Larimer County that have been reviewed, filed, and pursued by the District Attorney's asset forfeiture specialist, and in Larimer County they are always accompanied by a parallel criminal prosecution. The defendant is served with a written summons, an affidavit detailing probable cause, and an advisement of legal rights and procedures for exercising due process. The defendant is entitled to a civil trial.

Colorado law requires that the proceeds from successful asset seizure and forfeiture actions are to be used for law enforcement purposes and that the governing body of the seizing agency appropriates these proceeds to supplement the seizing agency's budget or, in the alternative, forfeit the proceeds to the general fund of the State of Colorado. Colorado law also authorizes the creation of the Forfeiture Committee which must consist of the Mayor, District Attorney and Chief of Police, or their designees. The Committee oversees and approves the seizure budget and spending decisions made by the Chief of Police.

The local Forfeiture Committee met on March 16, 2006 and approved the 2006 Seizure Fund Budget, which is attached. The 2005 Annual Seizure Fund Report which outlines the sources of seizure funds and the expenditures for 2005 is also attached.

ATTACHMENTS

1. 2006 Seizure Fund Budget
2. 2005 Annual Seizure Fund Report

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ORDINANCE NO. 055, 2006
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES
IN THE GENERAL FUND FOR POLICE ASSET FORFEITURE ACTIVITY

WHEREAS, Fort Collins Police Services ("FCPS"), in accordance with state law, has seized illegal contraband used in or gained from criminal activities through civil asset seizure and forfeiture proceedings; and

WHEREAS, funds from police seizure activities in 2005 and prior years, in the amount of \$21,069, are in a restricted reserve account in the General Fund; and

WHEREAS, police seizure funds, pursuant to state statute, are to be expended for law enforcement purposes other than those constituting ongoing operating expenses of FCPS; and

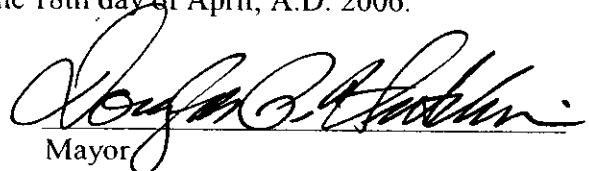
WHEREAS, the funds will be used by FCPS to purchase new equipment and fund additional training, as well as contribute to partnerships with community groups that seek to promote positive youth activities, as well as anti-violence, anti-drug, and diversity activities; and

WHEREAS, the local Forfeiture Committee, consisting of the Mayor, District Attorney and Chief of Police, or their designees, have approved the 2006 Police Seizure Fund Budget; and

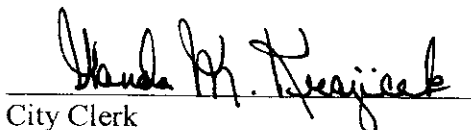
WHEREAS, Article V, Section 9, of the Charter of the City of Fort Collins permits the City Council to appropriate by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated for expenditure from prior year reserves in the General Fund the total sum of TWENTY-ONE THOUSAND SIXTY-NINE DOLLARS (\$21,069) for Fort Collins Police Services' expenditures which are consistent with its functions and duties, but distinct from its normal operating needs, as shown on Exhibit "A", attached hereto, provided, however, that the Chief of Police is hereby authorized to change the amounts allocated to any of the individual recipients or purposes shown on Exhibit "A", within the total amount appropriated herein.

Introduced, considered favorably on first reading, and ordered published this 4th day of April, A.D. 2006, and to be presented for final passage on the 18th day of April, A.D. 2006.


Mayor

ATTEST:


City Clerk

Passed and adopted on final reading on the 18th day of April, A.D. 2006.

Mayor

ATTEST:

City Clerk

PROGRAM: Police Seizure Fund	
Chart of Accounts	2006 Proposed Budget
Contractual	
527400 Training/Education	
Youth Police Academy	1,500
Explorer Scout Conference	1,500
D.A. Training	1,500
Total	4,500
529290 Other Contractual	
2007 Drug Free Calendar	1,500
PSD After Prom Sponsorship	1,000
Larimer County Child Advocacy Center	2,000
Request from Mayor	500
Other Charitable Organizations (Food Bank of Larimer County \$500)	1,500
Total	6,500
Total Contractual Services	11,000
Commodities	
539320 Other Commodities	
<i>Police Partnership Grants</i>	1,000
Total	1,000
Total Commodities	1,000
Total Proposed Budget	12,000
Capital (Savings)	
544520 Other Capital	
2007 Carry-over (Future Needs)	9,069
Total	9,069
GRAND TOTAL	21,069